

SDD:PWB
F.#2016F00308

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

16 M 1107

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UNITED STATES OF AMERICA

- against -

BERNARD RAYMOND AUGUSTINE

Defendant.

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TO BE FILED UNDER SEAL

COMPLAINT AND
AFFIDAVIT IN
SUPPORT OF AN
ARREST WARRANT

(T. 18, U.S.C., § 2339B)

EASTERN DISTRICT OF NEW YORK, SS:

RYAN LARKIN, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation ("FBI") and a member of the FBI's Joint Terrorism Task Force ("JTTF"), duly appointed according to law and acting as such.

From at least on or about October 4, 2015 to on or about February 22, 2016, both dates being approximate and inclusive, the defendant BERNARD RAYMOND AUGUSTINE, a United States citizen, did knowingly and unlawfully attempt to provide material support and resources, as defined in 18 U.S.C. § 2339A(b), namely, personnel (himself), to a foreign terrorist organization, namely the Islamic State of Iraq and the Levant ("ISIL"), which at all relevant times was designated by the United States Secretary of State as a foreign terrorist organization, knowing that the organization was a designated foreign terrorist organization, and knowing that the organization had engaged in and was engaging in terrorist activity and terrorism.

(Title 18, United States Code, Section 2339B(a)(1))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the FBI, assigned to the JTTF. I have been assigned to the JTTF since May 2013. As a member of the JTTF, I have investigated numerous matters during the course of which I have conducted physical and electronic surveillance, interviewed witnesses, executed court-authorized search warrants and used other investigative techniques to secure relevant information. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file; and information provided to me by other agents and law enforcement officials; and information otherwise obtained by credible and reliable sources.

II. PROBABLE CAUSE

A. ISIL

2. The Islamic State of Iraq and the Levant ("ISIL") is a foreign terrorist organization that, since 2013, has claimed credit for numerous terrorist activities, including seizing Mosul, a city in northern Iraq, and launching rocket attacks on eastern Lebanon in March 2014. These terrorist activities are part of ISIL's broader goal of forming an Islamic state or "caliphate" in Iraq, Syria, and beyond. On October 15, 2004, the United States Secretary of State designated al-Qaeda in Iraq, then known as Jam'at al Tawhid wa'al-Jihad, as a foreign terrorist organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of al-Qa'ida in Iraq ("AQI") as an FTO

¹ Because this affidavit is submitted for the limited purpose of establishing probable cause to arrest, I have not set forth each and every fact learned during the course of the investigation.

under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant (“ISIL”) as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham (“ISIS”), the Islamic State of Iraq and Syria (“ISIS”), ad-Dawla al-Islamiyya fi al-‘Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. On September 21, 2015, the Secretary added the following aliases to the ISIL listing: Islamic State, ISIL, and ISIS. To date, ISIL remains a designated FTO.

B. ISIL in Libya

3. In or about 2011, a civil war erupted in Libya between government forces loyal to Libyan leader Muammar Gaddafi and rebel forces who ultimately overthrew the Gaddafi government.

4. After the civil war, conditions in Libya remained unstable. In or about February 2015, members of ISIL entered the port city of Derna, Libya, and subsequently attacked and took control of Sirte, Libya. In or about August 2015, residents of Sirte took up arms and attempted to expel ISIL from the city. The attempt failed, and, until recently, ISIL forces largely maintained control of Sirte.

5. ISIL has sought to, among other things, use Libya as a base of operations for its terrorist activities and to impose its strict version of Islamic Law on its residents. Moreover, I have learned from open source information and from my participation in other investigations that numerous foreign fighters seeking to join ISIL have recently traveled to Libya and settled specifically in Sirte. In particular, these foreign fighters have traveled to Libya in

order to join the “caliphate” proclaimed by ISIL, which exists primarily in Iraq and Syria, but which ISIL has sought to expand to places in Libya and throughout the Middle East and Africa.

6. In or about 2016, military forces aligned with the Libyan government engaged in numerous battles in an attempt to expel ISIL forces and their supporters from Sirte. Throughout the summer of 2016, Libyan forces and ISIL fighters suffered significant casualties. As of October 2016, public statements by Libyan government officials and open source reporting indicated that ISIL fighters had been largely defeated and expelled from Sirte.

7. In addition, based on my training and experience and my participation in other investigations involving ISIL, I know that it has become increasingly commonplace for foreign fighters who are attempting to join ISIL in Libya to enter that country through Tunisia. Further, based on my training and experience and my participation in other investigations involving ISIL, I understand that foreign fighters travel through Tunisia to Libya because it is increasingly difficult to travel directly to Libya and also so as to avoid detection by law enforcement.

C. Summary of Investigation

8. In or about February 2016, foreign government officials notified the U.S. Government that U.S. citizen BERNARD RAYMOND AUGUSTINE (“AUGUSTINE”) was the subject of a criminal investigation in Tunisia.

9. U.S. law enforcement subsequently confirmed that AUGUSTINE is a 20-year-old citizen of the United States and a resident of California. AUGUSTINE has a U.S. passport that expired on or about March 13, 2016.

10. On multiple occasions since February 2016, including as recently as May 25, 2016, U.S. Government officials have observed AUGUSTINE in the custody of Tunisian

authorities. In addition, AUGUSTINE was charged in a criminal case in Tunisia with at least two offenses under Provisions 1, 12, 13 and 33 of Tunisian law: (a) entering Tunisia with the intent to travel to Libya to join a terrorist organization, and (b) intent to join, participate in training, and provide support to a terrorist organization. In or about November 2016, AUGUSTINE was convicted of these charges and was sentenced to two years' imprisonment.

11. Records and information obtained during the course of the investigation revealed that on or about February 18, 2016, AUGUSTINE was a passenger on Turkish Airlines Flight No. 80, departing San Francisco, California, and arriving in Istanbul, Turkey.

12. Records obtained from Turkish Airlines revealed that on February 17, 2016 – i.e., the day before he traveled² – AUGUSTINE purchased a one-way ticket from San Francisco, California, to Tunis, Tunisia (via Istanbul, Turkey).³ As noted above, based on my training and experience and my participation in other investigations involving ISIL, I know that Tunisia is a common location to which foreign fighters travel when they are seeking to join ISIL in Libya.

13. Prior to departing the United States, AUGUSTINE was interviewed by a United States Customs and Border Protection (“CBP”) officer at the San Francisco International Airport. That CBP officer stated that, among other things, AUGUSTINE told her that he was planning to travel to Tunisia for vacation.

2 Based on my training and experience and my participation in other investigations involving ISIL, I know that individuals who travel or attempt to travel from the United States to join FTOs often purchase their tickets on or shortly before their date of travel in an attempt to avoid law enforcement detection.

3 Records obtained from Turkish Airlines indicate that, when AUGUSTINE arrived at the San Francisco airport on February 18, 2016, Turkish Airlines required him to purchase a return ticket to the United States. The records indicate that AUGUSTINE purchased the cheapest available return ticket to San Francisco, which had a return date of March 3, 2016.

14. Records from Turkish Airlines further revealed that AUGUSTINE purchased his plane ticket to Tunis, Tunisia, using the travel reservations website www.cheapoair.com. Information obtained from the company that operates www.cheapoair.com indicates that AUGUSTINE purchased his plane ticket online and that, in connection with the purchase of the ticket, AUGUSTINE provided the email address, “bernardaugustine6991” at (@) a particular email service provider (“Provider A”), as his contact email address. Records and information obtained from the company that operates www.cheapoair.com further revealed that AUGUSTINE’s ticket was purchased from a computer assigned the IP address: 108.243.73.77. Based on open source information obtained from the Internet, IP address 108.243.73.77 is assigned to the Internet Service Provider (“ISP”) AT&T U-Verse.

15. Records obtained from AT&T revealed that, on February 17, 2016, the IP address 108.243.73.77 was associated with an account in the name of Individual 1⁴ at a residence in Keyes, California. Based on a review of various law enforcement and public databases, I was able to determine that Individual 1 is one of AUGUSTINE’s family members, and that, prior to AUGUSTINE’s travel to Tunisia, both Individual 1 and AUGUSTINE lived at the address listed on the records obtained from AT&T. In addition, I was able to determine that the cell phone number associated with the AT&T account is Individual 1’s cell phone number.

16. On or about February 25, 2016, members of law enforcement interviewed Individual 1 at the home in which he/she resides. During this interview and in multiple follow-up telephonic interviews, Individual 1 provided the following statements, in sum and in substance, to law enforcement:

⁴ In order to protect his/her privacy, Individual 1 is referred to herein only by a pseudonym.

a. Individual 1 stated that, prior to his departure, AUGUSTINE lived at home with Individual 1 and other family members.

b. Individual 1 did not know that AUGUSTINE purchased a ticket to travel to Tunisia or that AUGUSTINE had any interest in traveling to Tunisia. Further, Individual 1 claimed to be unaware of anyone else who knew that AUGUSTINE was planning to travel to Tunisia.

c. Individual 1 stated that there was no legitimate reason for AUGUSTINE to travel to Tunisia – they had no family members in Tunisia and, as far as he/she was aware, AUGUSTINE did not have any work or educational opportunities in Tunisia. Further, Individual 1 was not aware that AUGUSTINE had any friends or acquaintances in Tunisia.

d. Individual 1 stated that, when AUGUSTINE was home, he was constantly on the Internet. Individual 1 further confirmed observing AUGUSTINE using his laptop computer in the days prior to his travel to Tunisia.

e. Individual 1 stated that in the days leading up to AUGUSTINE's departure to Tunisia, Individual 1 and AUGUSTINE communicated about ISIL on more than one occasion. For example, on February 13, 2016 (i.e., less than one week before AUGUSTINE departed for Tunisia), AUGUSTINE sent Individual 1 a text message that contained a link to a YouTube website that played what AUGUSTINE described in his text as a song "from the Islamic state." Individual 1 allowed law enforcement officials to view his/her phone, which contained the text message (and YouTube link) in question. I have reviewed both the text message and the YouTube link. In his text message, and in reference to the ISIL song, AUGUSTINE stated: "would an evil people make something like this." AUGUSTINE further

stated: “When I come home later I’ll show you a video they made for eid⁵ celebrations in raqqah, syria⁶. I swear you will see that it’s not bad or evil or any of the lies people are saying about it.” I have reviewed a translation of the song accessed via the link in AUGUSTINE’s text message, and, in sum and substance and based on my training and experience, the song extols the virtues of living in the Islamic State.⁷

f. Individual 1 recalled that later on the same day that AUGUSTINE sent the February 13, 2016 text message that was expressing support for ISIL, AUGUSTINE attempted to show him/her another video.⁸ Individual 1 recalled that the video showed, among other things, an image of a child holding a machine gun. Upon seeing this image, Individual 1 asked AUGUSTINE to turn off the video and AUGUSTINE complied.⁹

g. Individual 1 stated that a few days prior to the February 25, 2016 interview with law enforcement officials, AUGUSTINE contacted his family via a social media platform and stated that he was “in north africa bodering the mediterrainarian.” Individual 1 further stated that, after this contact, AUGUSTINE blocked his family members from his account on that social media platform.

5 Based on my training and experience, I believe this is a reference to “Eid al-Adha,” also known as the Festival of the Sacrifice, which is one of the two major religious holidays celebrated worldwide by Muslims each year.

6 Based on my training and experience, I believe this is a reference to “Al-Raqqa,” which is a city in Northern Syria where ISIL has made its headquarters in Syria.

7 The song does not expressly reference or advocate violence.

8 Individual 1’s recollection was that AUGUSTINE showed Individual 1 the video in question on AUGUSTINE’s cellular phone.

9 Based on my training and experience, I know that ISIL and ISIL sympathizers have produced many pro-ISIL videos that are posted on the Internet. Further, I know that these videos are an important tool for ISIL to recruit individuals from, in particular, the United States and Western Europe to travel to Syria and/or Libya to join and fight for ISIL.

17. During the interview with law enforcement, Individual 1 consented to a search of his/her cellular phone. Among other things, agents were able to locate text messages and emails between Individual 1 and AUGUSTINE. For example, investigators found on Individual 1's cellular phone an email from the email address "bernardaugustine6991" at (@) a different email service provider ("Provider B") – which Individual 1 confirmed was, in fact, an email address used by AUGUSTINE – to Individual 1 that was sent on or about February 21, 2016, i.e., after AUGUSTINE arrived in Tunisia. In the email, AUGUSTINE wrote, among other things, the following:

My purpose in life is to seek the ultimate justice. I see a lot of very wrong and truly evil things happening in this world, things you dont know about, im not mad or mentally ill. I really truly am on a path to fight for justice and if I see unjustified where I'm going I promise I will fight that also. True justice. I can't ... sit in ignorance. There is no other meaning in life to me. There is two reasons why this is the best path in life for me. 1. When I die, if God accept me. We will all live in paradise forever. 2. If I pass on before you, you and [name redacted] and [name redacted] will learn to see the injustice and because of you being able to see it you will be able to defend yourselves against it. I'm doing this so you [name redacted] and [name redacted] will learn how to protect yourselves from the manipulation of the masters of evil and their lies. ... The good people in this world bring balance and push back against evil. And give their lives freely in the process. Today in this day and age I believe this is the right path.

Based on my training and experience and my participation in this investigation, I believe that, through this email, AUGUSTINE was attempting to explain and justify his decision to attempt to join, fight for, and potentially die while fighting for ISIL.

18. Further, the review of Individual 1's cellular phone revealed numerous text messages between AUGUSTINE and Individual 1, in addition to the text message quoted and discussed above. In the weeks prior to his departure to Tunisia, AUGUSTINE increasingly engaged Individual 1 in discussions about religious ideology and ISIL. For example:

a. On February 3, 2016, AUGUSTINE sent a series of text messages to Individual 1 discussing his new beliefs. AUGUSTINE concluded the series of texts by stating: “I found a proof. Now since I believe in god, then I have faith that God will fulfill a prophecy or promise.”

b. On February 10, 2016, eight days before he traveled to Tunisia, AUGUSTINE sent a text message to Individual 1 stating: “If I ever get lucky enough to live in khilafah,¹⁰ I’ll burn my own passport lol. There’s a lot you don’t know about the justice of the sharia.¹¹ If Mabey you understood it you wouldn’t want to live here either.”

19. On or about February 26, 2016, law enforcement personnel interviewed Individual 2¹², who identified himself/herself as AUGUSTINE’s friend. Among other things, Individual 2 stated that, on one occasion in approximately January 2016, AUGUSTINE had mentioned to Individual 2 a desire to travel to Syria.

20. On March 16, 2016, law enforcement obtained this Court’s authorization to conduct a search of AUGUSTINE’s laptop computer. The laptop computer was located in the home shared by AUGUSTINE and Individual 1. Pursuant to that court-authorized search, investigators were able to review files and other data stored on the computer.

21. Among other items, agents found evidence that, in the months prior to his departure to Tunisia, AUGUSTINE had viewed numerous videos online that depicted ISIL leaders and fighters, including fighters engaged in acts of violence. For example, a review of the

¹⁰ ISIL commonly uses the term “khilafa” to refer to their purported Islamic state, or caliphate.

¹¹ Sharia is a system of Islamic religious law.

¹² In order to protect his/her privacy, Individual 2 is referred to herein only by a pseudonym.

materials indicates that AUGUSTINE viewed a well-known, ISIL-produced video that showed, among other things, the beheading of over 20 Ethiopian Christians who had been kidnapped in Libya.

22. In addition, there was evidence on AUGUSTINE's laptop that, during the same time period, AUGUSTINE had viewed videos of religious sermons by well-known figures who were public supporters of ISIL and/or of engaging in violent acts against Westerners. The figures in these videos included, among others, Usama Bin Laden, Anwar al-Awlaki, and other individuals who express support for ISIL.¹³

23. A review the laptop computer, as well as information obtained from, among others, Turkish Airlines and Individual 1, also revealed that AUGUSTINE used, among others, the following email accounts: "bernardaugustine6991" at (@) Provider A and "bernardaugustine6991" at (@) Provider B.

24. Records obtained from the company that operates Provider A revealed that "bernardaugustine6991" at (@) Provider A was created on or about May 29, 2013 and was subscribed to "Bernard Augustine." Records obtained from the company that operates Provider B revealed that "bernardaugustine6991" at (@) Provider B was similarly created on or about May 29, 2013 and was also subscribed to "Bernard Augustine."

25. IP login information obtained from the company that operates Provider A revealed that, in the weeks leading up to AUGUSTINE's departure from the United States, the

¹³ There was also evidence on AUGUSTINE's laptop that, during the same time period, AUGUSTINE had viewed images and videos that depicted individuals who had engaged in mass shootings and killings in the United States. For example, AUGUSTINE viewed videos and images depicting, among others, Dzhokhar Tsarnaev (one of the Boston Marathon bombers), Abdul Azeez (who killed five U.S. service members in multiple shootings in and around Chattanooga, Tennessee), and Richard Matt (convicted murderer who escaped from a New York prison).

“bernardaugustine6991” account was accessed most frequently from IP addresses assigned to a T-Mobile mobile phone. Based on information obtained during the investigation, I know that, prior to his departure from the United States, AUGUSTINE had a mobile phone account with T-Mobile. IP login information obtained from the company that operates Provider A also revealed that, on February 19, 2016, the “bernardaugustine6991” account was accessed on multiple occasions from an IP address located in Turkey.¹⁴ In addition, on February 20, 2016 and February 21, 2016, the “bernardaugustine6991” Provider A account was accessed on multiple occasions from an IP address located in Tunisia.

26. In addition, search history information associated with the “bernardaugustine6991” Provider A account, which was obtained from the company that operates Provider A, revealed that, in the weeks and months leading up to his departure from the United States, AUGUSTINE actively searched for information on, among other things, ISIL, how to join ISIL, radical jihadist propaganda, and firearms. For example:

a. On October 4, 2015, AUGUSTINE conducted multiple Internet searches for “jihadi john.” Based on my training and experience, I believe that AUGUSTINE was searching for an individual who was referred to on the Internet and in the media as “Jihadi John.” This individual was a British ISIL spokesperson who was depicted in numerous, graphically-violent Internet videos ordering the murder of captives and personally participating in executions. ISIL publicly declared that “Jihadi John” was killed in Syria in November 2015.

b. On December 15, 2015, AUGUSTINE conducted an Internet search for “how to safely join isis.” After conducting the search, AUGUSTINE clicked on one

¹⁴ As further described below, these logins coincide with AUGUSTINE’s travel itinerary, which included a connecting flight in Turkey to travel to Tunisia.

of the search results, which was an Internet page entitled “How does a Westerner join ISIS? Is there a recruitment or application process?”

c. On December 28, 2015, AUGUSTINE conducted multiple Internet searches for firearms (including a Thompson machine gun) and visited a firearm retail website.

d. On December 30, 2015, AUGUSTINE conducted an Internet search for “main language in the islamic state.”

e. On December 31, 2015, AUGUSTINE conducted an Internet search for “jihadology.” Based on my training and experience, I know that the website “www.jihadology.net” is an Internet site that re-posts radical jihadist videos. After conducting the search, AUGUSTINE clicked on links which took him to a media section of the “www.jihadology.net” website.

f. On January 1, 2016, AUGUSTINE conducted an Internet search for “flames of war isis full video.” Based on my training and experience, I know that “Flames of War” is a video produced by ISIL and distributed over the Internet that shows, among other things, fighting between ISIL fighters and the Syrian army. In addition, the video shows the execution of multiple individuals who appear to be soldiers in the Syrian army.

g. On January 3, 2016, AUGUSTINE conducted an Internet search for “Sanliurfa Province, Turkey.” Sanliurfa is a province in Southern Turkey from which individuals travel into and out of Syria.

h. On January 3, 2016, AUGUSTINE conducted a map-related Internet search for directions to “Raqqa” and “Salah Al-Din.” As noted above, Raqqa, Syria is an ISIL stronghold. Salah Al-Din is a province in Iraq where, in 2014, ISIL fighters were able to defeat Iraqi army forces and take control over multiple cities and towns.

i. On January 30, 2016, AUGUSTINE conducted an Internet search for “how long does it take to renew passport.” Based on my training and experience, the Internet searches described above, the fact that AUGUSTINE initially bought a one-way ticket to Tunisia (via Turkey) rather than to Turkey as a final destination, and given that AUGUSTINE’s passport was expiring in March 2016, I believe that Augustine initially sought to travel to Syria via Turkey for the purpose of joining ISIL, but ultimately decided to travel to Libya via Tunisia for the purpose of joining ISIL in Libya given different passport validity requirements for entering those countries. For example, my understanding is that, as of February 2016 when AUGUSTINE traveled overseas, Tunisia required a U.S. passport holder to possess a valid U.S. passport at the time of entry, whereas Turkey required that a U.S. passport holder have a valid U.S. passport at the time of entry that does not expire for at least six months after entry and AUGUSTINE’s passport was due to expire the following month.

j. Between January 30, 2016 and February 9, 2016, AUGUSTINE conducted multiple Internet searches for various individuals associated with ISIL and other terrorist groups, including: Abu Musab al-Zarqawi (a former, now deceased, senior leader of AQI), Abu Bakr al-Baghdadi (the current leader of ISIL), Anwar al-Awlaki, Ayman al-Zawahiri (the current leader of al-Qaeda), and Usama Bin Laden.

27. Information obtained from the company that operates Provider A also revealed that AUGUSTINE maintained an account with a comment hosting service for websites and online communities (“Company A”) – that is, a company that monitors and maintains the “comments” sections of various websites. Based on information obtained from emails sent to the “bernardaugustine6991” Provider A account, AUGUSTINE had an account with Company A and he utilized the username “@thelonedanger.” Numerous IP address login records associated

with that username from May 2015 through February 2016 resolve to a T-Mobile mobile phone, many of which were also used to check the “bernardaugustine6991” Provider A account.

28. Information obtained from Company A further revealed that, in the weeks leading up to his travel from the United States, AUGUSTINE made numerous postings that were supportive of violent jihad and ISIL. For example:

a. In or about February 2016,¹⁵ AUGUSTINE posted: “when I wrote allowed to live under shariah I did so Because if you don’t want to follow the law of God you are free to fight the Muslims and then you won’t be living at all.”

b. In or about February 2016, AUGUSTINE posted: “And Islam only teaches good so you can be sure that it’s the word of God. Some people say that their ideas on jihad are what makes it evil. But the Jihad is important because it defends the religion. . . . These man made laws only lead to injustice and give power to the few who will oppress the weak. So that’s why Jihad is important. And now I’m on a list somewhere.”

c. In or about February 2016, AUGUSTINE posted: “True Islam can’t be implemented without khilafah and khilafah can’t be established and maintained except through the blood of the mujahedeen¹⁶ [one engaged in violent (*i.e.*, fighters) jihad] who practice the true belief based on quran and the sunnah of the prophet.”

d. In or about February 2016, AUGUSTINE posted: “But the resistance will always be with the muslims. We refuse to live in the humiliation of dar AL kufr¹⁷

¹⁵ The information obtained from Company A did not include the precise date of AUGUSTINE’s posts.

¹⁶ Mujahideen is the plural form of mujahid, which is the term for one engaged in jihad.

¹⁷ Kufr is a pejorative term alluding to a person who rejects or does not believe in God, as often defined by ISIL. In this context, your affiant believes that AUGUSTINE’s use of

(land of disbelief) and you can see the result of the Arab spring has given opportunity for the rise of Khalifa¹⁸ and the taking back of all Muslims lands.”

e. In or about February 2016, AUGUSTINE posted: “Islam will destroy the global banking elite and will bring justice to the entire world, because how can you fight those who do not live for worldly gain., how can you fight those who love death more than life. The whole world is against the Muslims and although they were a minority they couldn’t be defeated in Afghanistan. And now they rose up to conquer Iraq and syria. And within a 100 year’s it will be the [whole] world[.]”

f. In or about February 2016, AUGUSTINE posted: “Those ‘Syrian refugges’ are disgusting, not worthy to be called men and muslim. They are munafiqeen (hypocrites) They left the the country, abandoned their women, and ignored the call to the struggle for Khilifah. . . . The Muslims who leave the west, travel in the opposite direction of these ‘refugees’, answer the call for the struggle, and march until they are victorious or martyred are the true believers.”

g. In or about February 2016, AUGUSTINE posted: “Most ‘Islamic’ countries are unjust and not ruled True to the Quran and Sunnah. The Khalifah is the right way. . . . I did some wrong things and lost my peace. But I only wish to do good things so when I die I’ll have peace in my last moments. That’s my paradise.”

h. In or about February 2016, AUGUSTINE posted:

Your government allowed these men into your countries and betrayed you because there is a war going on, between islam and the world. They would

the phrase “dar AL kufr” refers to the United States.

18 Based on my training and experience, I believe that AUGUSTINE is making reference to the caliphate purportedly established by ISIL. On or about, July 5, 2014, in a rare public address within a mosque in Mosul, Iraq, Abu Bakr al-Baghdadi declared the Islamic State a caliphate and anointed himself the caliph (leader) of the organization.

rather these men terrorize you than to join the Islamic state and support the Islamic state. . . . Why would thousands of men go to sacrifice their lives in Iraq and syria? So they can be evil and kill and donwrong. What a joke. A lie by western media. . . . How else was the true Muslims of the Islamic state able to expand so quickly. Because of their fearlessness of men and their fear of god. They do not fear for their lives because it is their lives to fight and do what's right.

i. In or about January 2016, AUGUSTINE posted: "The Islamic state is the true Islam."

29. Information obtained from Individual 1 during the course of the investigation revealed that AUGUSTINE had a social media account with username "bernard.augustine.96." Records obtained from the provider of that account revealed that the social media account was created on or about February 19, 2016 – the day that AUGUSTINE arrived in Turkey on his way to Tunisia – and was subscribed to by "Bernard Augustine."

30. In addition, IP login information obtained from the provider of that social media account indicated that the account with username "bernard.augustine.96" was created from an IP address located in Turkey and that, on February 20, 2016 and February 21, 2016, the account was accessed from an IP address located in Tunisia.

31. Shortly after he departed the United States, AUGUSTINE sent a text message to a family member through this social media account and stated that the family member should not ask him any questions through this account, that he/she should not try to contact AUGUSTINE, that he/she should not talk to anyone who calls (other than a few select family members) and that AUGUSTINE would message him/her after three days when AUGUSTINE "reach[es] where [he] is supposed to go."¹⁹

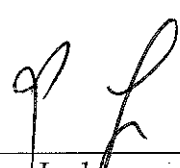
¹⁹ In other statements that have been obtained during the course of this investigation, AUGUSTINE appears to make self-serving, false exculpatory statements. For example, in letters to Individual 1, AUGUSTINE states, in sum and in substance, that he did not intend to

32. It is respectfully requested that this Court issue and order sealing, until further order of the Court, all papers submitted in support of this application, including the application, the arrest warrant, and the complaint, with the exception that the complaint and arrest warrant are unsealed for the limited purpose of disclosing the existence of or disseminating the complaint and arrest warrant to relevant United States, foreign, or intergovernmental authorities, at the discretion of the United States and in connection with efforts to prosecute the defendant or to secure the defendant's arrest, extradition or expulsion, or as otherwise required for purposes of national security. I believe that sealing these documents is necessary because the government's investigation into AUGUSTINE and any potential co-conspirators is ongoing. Thus, the government seeks limited sealing of the complaint and arrest warrant to ensure that AUGUSTINE and any potential co-conspirators do not learn that a complaint has been filed and an arrest warrant has been issued, and to prevent them from destroying evidence, fleeing justice and avoiding arrest and prosecution.

join ISIL or, as stated in a February 21, 2016 social media message to an individual purportedly located in Tunisia, that he only intended to stay overseas for a short period of time. However, based on all of the evidence obtained during the course of this investigation, I believe that it was AUGUSTINE's true intention to travel to Tunisia and then to Libya to join and fight with ISIL.

WHEREFORE, your deponent respectfully requests that the defendant
BERNARD RAYMOND AUGUSTINE be dealt with according to law.

Dated: Brooklyn, New York
December 9, 2016



Ryan Larkin
Special Agent
Federal Bureau of Investigation

Sworn to before me this
9th day of December, 2016



THE HONOR
UNITED STA
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